

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, et al.
ex rel. JESSE POLANSKY, M.D., M.P.H.

v.

EXECUTIVE HEALTH RESOURCES,
INC., et al.

CIVIL ACTION
NO. 12-4239

FILED

MAY 10 2016

MICHAEL E. KUNZ, Clerk
By _____ **Dep. Clerk**

ORDER

AND NOW, this 10th day of May, 2016, upon consideration of defendant Executive Health Resources, Inc.'s motion to dismiss relator's second amended complaint (Dkt. No. 52, Ex. A), defendants UnitedHealth Group, Inc., United HealthCare Services, Inc., Optum, Inc., and OptumInsight, Inc.'s motion to dismiss (Dkt. No. 51), defendants Yale-New Haven Hospital, Inc. and Community Hospital of the Monterey Peninsula's motion to dismiss (Dkt. No. 90), relator Jesse Polansky's opposition briefs (Dkt. No. 62, attached briefs) and the parties' supplemental briefs (Dkt. Nos. 70, 78, 84 and 89), and consistent with the accompanying Memorandum of Law, it is ORDERED that:

1. Relator's claims under the New Mexico Medicaid False Claims Act in Counts XLVII and XLVIII of his second amended complaint (Dkt. No. 12) are DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1);
2. Executive Health Resources, Inc.'s motion is GRANTED to the extent that relator's remaining state law claims against it are DISMISSED with leave to amend. Executive Health Resources, Inc.'s motion is DENIED in all other respects; and
3. UnitedHealth Group, Inc., United HealthCare Services, Inc., Optum, Inc., and

OptumInsight, Inc.'s motion to dismiss is GRANTED and relator's remaining claims against them are DISMISSED with leave to amend; and

4. Yale-New Haven Hospital, Inc. and Community Hospital of the Monterey Peninsula's motion to dismiss is GRANTED and relator's claims against them are DISMISSED with leave to amend.

Relator Jesse Polansky may file an amended complaint on all claims that he has not voluntarily dismissed by June 13, 2016 to the extent that he can plead sufficient facts upon which to do so.

It is FURTHER ORDERED that, because this Order and the accompanying Memorandum of Law may contain confidential information, they have been filed under seal pending review by the parties to permit the parties to meet and confer and propose a single jointly redacted version of the Order and the accompanying Memorandum of Law. On or before June 13, 2016, the parties shall provide the Court with any proposed redacted Order and accompanying Memorandum of Law or shall inform the Court that no redactions are required. The parties shall also advise the Court of any further action to be taken, if any, before a publicly-available version of this Order and the accompanying Memorandum of Law may be issued.


THOMAS N. O'NEILL, JR., J.